"Electoral Reform for the Worse ..."

Our democracy is diminished. Late last Friday, the Senate passed a new law that is a major step backwards for our electoral system. The law closes the electoral roll before many have had the chance to register, takes away the vote from prisoners and allows political parties to accept secret gifts and donations of up to $10,000. Electoral reform is needed, but it should encourage democratic participation and increase transparency, not frustrate these aims.

Before this law, when an election was called and a writ for the election issued there was a seven day period before the close of the electoral roll. During this time people could join the roll to vote or change their enrolment details. The new law means that the roll will instead close at 8pm on the same day the writ is issued, with people wanting to change their details given a further three days to do so.

If a person is not on the electoral roll, they cannot vote. This premature closing of the rolls will disenfranchise thousands of Australians, especially young people, who in the past have joined the roll for the first time when an election is called. According to the Australian Electoral Commission, during the seven day period before the close of the rolls for the 2004 federal election, 423,000 people either enrolled for the first time or changed their address or other details. Of these people, 78,908 enrolled for the first time and 78,494 reenrolled.

For many first-time voters it is the calling of an election and the media attention it attracts that has prompted them to join the electoral roll. It is difficult enough to encourage some Australians to take part in elections. It makes no sense to turn them away at the very time they are most motivated to take steps to vote.

Senator Eric Abetz, the former Special Minister of State, justified the change on the basis that “during the rush to enrol in the week following the announcement of a general election, incredible pressure is placed on the Australian Electoral Commission’s ability to accurately check and assess the veracity of enrolment claims received”. This is a real issue, but it is best dealt with by providing the Australian Electoral Commission with the resources its needs to do the job properly. It is not a justification for disenfranchising people.

The new law also removes the right to vote from all full-time prisoners serving a sentence for a Commonwealth, State or Territory offence. This changed the law which had allowed prisoners serving sentences of less than three years to take part in the ballot. The law will prevent a further 19,000 people from voting. The change goes against the trend over the last century to widen the federal franchise. People who had been excluded include women and Indigenous people.
It is a step backwards to now narrow the franchise. It is also inconsistent with the recognition in other nations such as Canada and in Europe that prisoners should be able to vote. As a matter of principle, all citizens ought to be able to vote in federal elections. This is part of what it means to be a citizen in a free, democratic country.

In any event, denying the vote to prisoners may be legally invalid. The Constitution says that the House of Representatives and the Senate must be “directly chosen by the people”. If prisoners are part of the “people”, their right to vote may be guaranteed, something that could still be tested in the High Court.

The final major change is an increase the threshold for disclosing gifts to parties and candidates from $1,500 to $10,000. This will make it far more difficult for the media and the public to know who is seeking to influence political parties through cash and other donations. The change will have a harmful effect on our democracy and increases the chances of corruption. The public has a right to know who is contributing money to our politicians and political parties. It is one of the most important accountability measures of a political system.

The increase in the threshold for disclosing gifts is wrongheaded. Reform should instead have been in the opposite direction of increasing the transparency of the political process. The law should provide for the more effective and more frequent disclosure of political donations.

The new law has an Orwellian title that asserts that it is an “Electoral Integrity” measure. In fact, it has undermined the integrity of our electoral system.

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